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BEFORE THE
SURFACE TRANSPORTATION BOARD

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In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between Station 258 + 07
and Station 267 + 00 in Seattle,
Washington

Docket No. AB-6
(Sub No. 402X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between Station 258 + 07 and Station 267 + 00 in Seattle, King County, Washington.

(1) **Proposed action and Alternatives:** Describe the proposed action, including commodities transported, the planned disposition (if any) of any railline and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) **Transportation system:** Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

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(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment is consistent with local land use plans.

The right of way is identified as a planned trail in the City of Seattle's adopted Comprehensive Plan and Transportation Strategic Plan. See Exhibit B, letter from the City of Seattle. This portion of the right of way is essential for the completion of the City of Seattle's bikeway system. See Exhibits B, letter from the City of Seattle, and C, letter from Charles Montagne, attorney representing the City of Seattle.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The area of the proposed abandonment is in a heavily urbanized area and farmland does not exist on the site. See Exhibit D, letter from the Natural Resources Conservation Service. Since no prime farmlands exist on the site, there will be no affect on prime agricultural land.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

The properties may be located within a designated coastal zone; and an inquiry has been submitted to the State of Washington Department of Ecology to confirm whether the project is consistent with Washington's Coal Zone Management Program (CZMP). See See Exhibit E, letter to the Washington Department of Ecology. In a 1992 abandonment involving

another section of right of way previously connected to this segment (Docket No. AB-6, (Sub-No. 402X), Abandonment Between BNSF Station 258 + 07 and Station 267 + 00 in Seattle, WA), the WA Department of Ecology had concluded that the former nearby abandonment would be consistent with Washington's CZMP. See Exhibit F, letter from State of Washington Department of Ecology, dated May 12, 1992. Based on BNSF's prior consultation on the segment located within a few miles of the proposed abandonment, the proposed abandonment should be consistent with Washington's CZMP.

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

BNSF believes these properties may be suitable for use as an addition to the existing Burke-Gillman Trail infrastructure in the Seattle area. The right-of-way is essential for the completion of the City of Seattle's trail system. See Exhibits B, letter from the City of Seattle, and C, letter from Charles Montagne, attorney representing the City of Seattle.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles per day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

This action will have no effect on transportation of ozone-depleting materials as the line is out of service.

(6) **Noise:** If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) **Safety:**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are two public crossings and no private crossings. During salvage operations on the line, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There is no evidence of known hazardous waste site or sites where there have been known hazardous materials spills on the right of way in Seattle, Washington between Station 258 + 07 and Station 267 + 00.

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

BNSF does not anticipate any adverse affects on endangered or threatened species or areas designated as a critical habitat. The Washington Department of Fish and Wildlife has identified the Great Blue Heron as a sensitive species that may have breeding occurrences in the vicinity of the abandonment. See Exhibit G. There is one bald eagle (*Haliaeetus leucocephalus*) nesting territory located in the vicinity of the project at T25N R4E S7. Nesting activities occur from January 1 through August 15. Wintering bald eagles may occur in the vicinity of the project. Wintering activities occur form October 31 though March 31. Bull trout (*Salvelinus confluentus*) occur in the vicinity of the project. See Exhibit H. letter from the Fish and Wildlife Service.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The nearest Washington State Parks are Bridle Trails and Saint Edward. See Exhibit I, letter from the Washington State Parks and Recreation Commission. These parks are located several miles away and

are on the opposite side of Lake Washington and should not be affected by the proposed abandonment.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The proposed abandonment should be consistent with applicable Federal, State and local water quality standards. This project does not involve salvage of properties extending over any waterways. The Washington Department of Ecology has been contacted and has not responded as of the date of this report. See Exhibits J and K.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

The U.S. Army Corps of Engineers have been contacted and have not responded as of the date of this report. See Exhibit L. The proposed abandonment is not located within the 100-year floodplain. See Exhibit M, letter from the City of Seattle Department of Design, Construction and Land Use.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

The Washington Department of Ecology has been contacted and has not responded as of the date of this report. See Exhibits J and K.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: December 6, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between Station 258 + 07
and Station 267 + 00 in Seattle,
Washington

Docket No. AB-6
(Sub No. 402X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between Station 258 + 07 and Station 267 + 00 in Seattle, King County, Washington.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action:

One copy of a U.S.G.S. Topographical map has been provided to the State of Washington Office of Archaeology and Historic Preservation and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The Seattle, Washington Trackage is 100 feet wide and is located within the city of Seattle which has a population of 563,374. The city of Seattle is part of the metropolitan statistical area of Seattle - Bellevue - Everett, Washington. The Seattle, Washington trackage parallels the south side of the Lake Washington ship canal. Between the line and the canal are marine related businesses. The area south of the line is generally hilly and includes various uses.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no bridges or railroad structures that are 50 years or older in the immediate area of the abandonment.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The Seattle, Lake Shore and Eastern Railway Company acquired the right of way in 1887. The Seattle, Lake Shore and Eastern Railway Company was a predecessor to the Northern Pacific Railway Company (NP). The NP merged in 1970 with the Great Northern Railway Company and the Chicago Burlington and Quincy Railroad Company to become the Burlington Northern Railroad Company (BN). In 1995, BN merged with the Atchison Topeka and Santa Fe Railway Company to become The Burlington

Northern and Santa Fe Railway Company (BNSF). This trackage has been out of service for several years. Accordingly, no change in carrier operations is anticipated as a result of the proposed abandonment.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. BNSF is not aware of any unique sites or structures with significant historical associations. The project will have no effect upon cultural properties included in the National and State Registers of Historic Places and the Washington State Archaeological and Historic Sites Inventories. Thus, no historic properties are affected. See Exhibit N, letter from the Washington Office of Archaeology and Historic Preservation.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

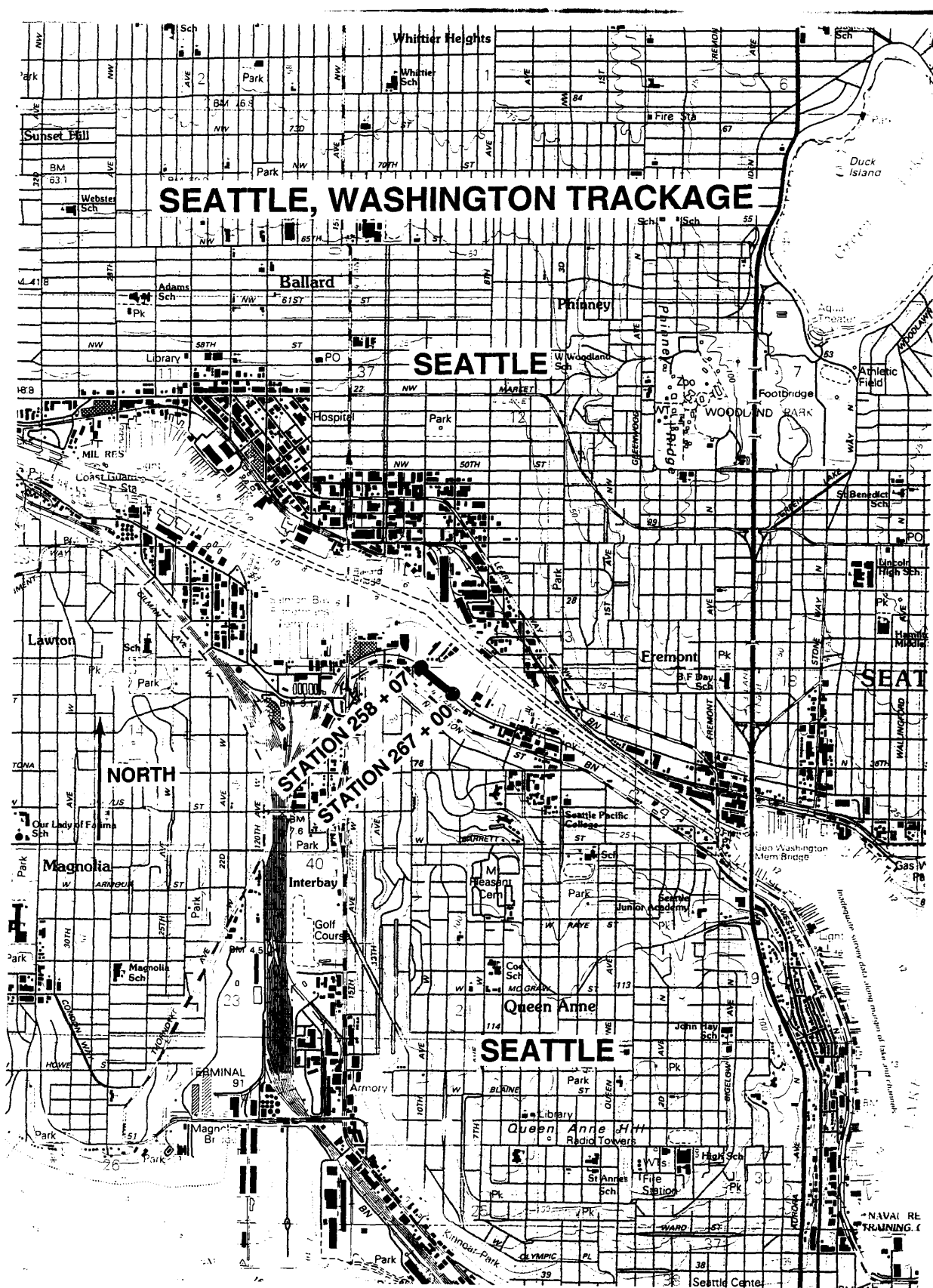
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: December 6, 2002

A



B



City of Seattle

Gregory J. Nickels, Mayor

Seattle Transportation

Grace Crunican, Director

December 2, 2002

Brian Nettles
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

**Re: The Burlington Northern and Santa Fe Railway Company Abandonment of the
Seattle, Washington Trackage between Station 258 + 07 and Station 267 + 00.**

Dear Mr. Nettles:

This is in response to your letter to Martha (Marty) Curry that was dated September 30, 2002. We apologize for not having gotten back to you sooner. Marty is not the right person to respond to your letter and for some unknown reason the letter was not forwarded to me. (Life here has been somewhat chaotic of late, what with the move of a good number of City of Seattle employees to a new building, in October.)

The abandoned right-of-way is suitable for alternative public use such as a recreational trail. This section of right-of-way is identified as a planned trail in our adopted Comprehensive Plan and Transportation Strategic Plan. In addition, we have already constructed sections of trail to the east on a previously abandoned portion of the same rail line and there is also an existing trail to the west of this right-of-way, making the piece proposed for abandonment absolutely essential for completion of our trail system.

We understand that although track materials such as rails and ties may be removed, the roadbed will be left intact. We anticipated this; that is fine, as far as we are concerned.

If you have any additional questions, or if you would like to discuss this matter further, please call me at (206) 684-5108. Thank you for your help and cooperation.

Sincerely,

Peter Lagerwey
Senior Transportation Planner
Seattle Department of Transportation

PAL:be

cc: Rich Batte, Burlington Northern Santa Fe
Judy Barbour, City of Seattle
Stuart Goldsmith, City of Seattle

C

CHARLES H. MONTANGE

ATTORNEY AT LAW

426 NW 102ND STREET

SEATTLE, WASHINGTON 98177

(206) 546-1936

FAX: (206) 546-3739

2 December 2002
by fax

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-5677

Re: BNSF--Abandonment in Seattle, King County, WA

Dear Mr. Nettles:

This is in reference to letters which I understand BNSF sent out to various addressees on or about September 30, 2002, asking, inter alia, whether the line of railroad between station 258+07 and 267+00 is suitable for alternative public use and in particular as a trail.

Please be advised that the portion of track indicated is part of a line which is generally regarded by relevant City planning officers to be the most significant single missing link in the City of Seattle's bikeway system. Incorporation of the segment into a trail would link the Burke-Gilman Trail and South Ship Canal with portions of the City currently isolated from the City's bikeway system. This would serve important safety and bicycle commuting goals.

In addition, the segment in question has long been covered by the Burke-Gilman agreements.¹ This constitutes longstanding recognition by the City and BNSF of the importance of the segment in question for alternative public use. Under the Burke-Gilman agreements, the property should and must be made available to the City for alternative public use as a trail. The City appreciates BNSF's cooperation in this regard to date.

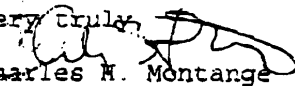
I also would add that the City wishes to expedite the railbanking (under 16 USC 1247(d)) of this segment in order to preserve some grant funds which I understand from city officers

1 Commencing January 24, 1989, these agreements were entered into to settle a dispute between the BN and City which resulted in a proceeding before the Interstate Commerce Commission.

may otherwise lapse. Thus, we encourage BNSF to seek as expedited an authorization for railbanking as possible. We do not understand any shippers to be affected by the proposed railbanking of this segment.

I apologize for the lateness of this letter, but relevant staff at the City only recently became aware of your request for input. Seattle, perhaps even more than BNSF, is a relatively large place with occasional quirks in the flow of information, and here the quirk has possibly been compounded by the recent and on-going relocation of City offices due to construction of a new city hall.

Very truly,


Charles M. Montange
for City of Seattle

cc. Rich Batie, BNSF
Judy Barbour & Judy Nevins, Esq(s).
Sea. City Att. Office
Stuart Goldsmith (City Trans.)

D

United States Department of Agriculture



Natural Resources Conservation Service
935 Powell Ave SW
Renton WA 98055
206-764-3325 ext. 100
fax 206-764-6677
web site www.wa.nrcs.usda.gov

Date: October 8, 2002

Freeborn & Peters
311 South Wacker Drive, Suite 300
Chicago IL 60606-6677
Attn: Brian Nettles

Re: The Burlington Northern and Santa Fe Railway Company Abandonment of Seattle,
Washington Trackage

Mr. Nettles

I regret to inform you that a soil survey of trackage between stations 258+07 and 267+00 has not been completed. I have attached a list of prime farmland for an adjacent soil survey, which indicates "Urban or built-up areas are not considered prime farmland". Since this area is heavily urbanized and farmland does not exist on the site, no prime farmlands exist on this site.

Thank you,

A handwritten signature in dark ink, appearing to read "Pedro Ramos, Jr.", is written over the typed name.

Pedro Ramos, Jr.
District Conservationist

The Natural Resources Conservation Service provides leadership in a partnership effort to help people
conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

Table Y. - Prime Farmland

King County Area, Washington

Only the soils considered prime farmland are listed. Urban or built-up areas of the soils listed are not considered prime farmland. If a soil is prime farmland only under certain conditions, the conditions are specified in parenthesis after the soil name.

Map Symbol	Soil Name
AgB	Alderwood gravelly sandy loam, 0 to 6 percent slopes (Prime farmland if irrigated)
Bh	Bellingham silt loam (Prime farmland if drained)
Br	Briscot silt loam (Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season)
Bu	Buckley silt loam (Prime farmland if drained)
Ea	Earlmont silt loam (Prime farmland if drained)
Ed	Edgewick fine sandy loam
EvB	Everett gravelly sandy loam, 0 to 5 percent slopes (Prime farmland if irrigated)
InA	Indianola loamy fine sand, 0 to 4 percent slopes (Prime farmland if irrigated)
KpB	Kitsap silt loam, 2 to 8 percent slopes
Ng	Newberg silt loam
Nk	Nooksack silt loam (Prime farmland if protected from flooding or not frequently flooded during the growing season)
No	Norma sandy loam (Prime farmland if drained)
Os	Oridia silt loam (Prime farmland if drained)
Pc	Pilchuck loamy fine sand (Prime farmland if irrigated)
Pk	Pilchuck fine sandy loam
Pu	Puget silty clay loam (Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season)
Py	Puyallup fine sandy loam
Re	Renton silt loam (Prime farmland if drained)
Sa	Saia silt loam (Prime farmland if protected from flooding or not frequently flooded during the growing season)
Sh	Sammamish silt loam (Prime farmland if drained)
Sk	Seattle muck (Prime farmland if drained)
Sm	Shalcar muck (Prime farmland if drained)
Sn	Si silt loam (Prime farmland if protected from flooding or not frequently flooded during the growing season)
So	Snohomish silt loam (Prime farmland if drained)
Sr	Snohomish silt loam, thick surface variant
Su	Sultan silt loam (Prime farmland if protected from flooding or not frequently flooded during the growing season)
Tu	Tukwila muck (Prime farmland if drained)
Wo	Woodinville silt loam (Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season)

E

Freeborn & Peters

December 2, 2002

Jeannie Summerhays
Shorelands & Environmental Assistance
Washington Department of Ecology
Northwest Regional Office
3190 - 160th Ave. SE
Bellevue, WA 98008-5452

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of the Seattle, Washington Trackage***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Dear Ms. Summerhays:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its Seattle, Washington Trackage line of railroad between Station 258 + 07 and Station 267 + 00 by the end of the year.

As part of the environmental report BNSF needs to know whether any action affects land or water used within a designated coastal zone.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information **as soon as possible**. For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

Chicago

Springfield

F



Docket No. AB-6
(Sub No. 356X)
Exhibit D

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-H711 • (206) 459-6100

May 12, 1992

Mr. Richard A. Batie
Manager, Short Line Sales & Marketing
Burlington Northern Railroad
3300 Continental Plaza
777 Main Street
Fort Worth, TX 76102

Dear Mr. Batie:

The Department of Ecology has received your May 1, 1992, request for concurrence that a proposed abandonment of 3.57 miles of railroad line in the City of Seattle, King County, is consistent with Washington's Coastal Zone Management Program (CZMP).

The Department of Ecology does concur with the consistency statement you provided. We agree that under the Shoreline Management Act (Chapter 90.58 RCW) and Shoreline Master Programs, which are enforceable policies of the CZMP, the mere cessation of activity does not trigger a shoreline permit. Neither would the mere sale of fixtures trigger shoreline permitting, since this does not constitute "development" as defined by RCW 90.58.030.

You are correct in stating that it is the actual removal of tracks, bridge materials, and appurtenances which may require shoreline permits, as these activities could fall within the Shoreline Management Act's meaning of "substantial development." We note that the copy which you supplied of the required contract for removal of track materials as salvage states that the contractor must obtain all necessary permits and comply with all ordinances, regulations and laws, whether local, state, or federal. Additionally, to the degree that salvage activities result in discharges into waters, the salvage may trigger state water quality laws.

If you should require any further information regarding this matter, please contact Bonnie Shorin of my staff at (206) 438-7468.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas Mark".

Thomas Mark, AICP
Section Supervisor
Shorelands and Coastal Zone
Management Program

TM:dh

G

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE - HABITATS AND SPECIES REPORT
IN THE VICINITY OF T25R03E SECTION 13
Report Date: October 09, 2002

This map contains the following species and/or habitat locations that are deemed sensitive by the Washington Department of Fish and Wildlife Sensitive Fish and Wildlife Policy.

PHS CODE/ SPPCODE	COMMON NAME	USE CODE	USE DESCRIPTION
ARHE	GREAT BLUE HERON	B	BREEDING OCCURRENCE

PHS POLYGON FORM LIST - CROSS REFERENCE REPORT
IN THE VICINITY OF T25R03E SECTION 13

PHSPOLY#	FORM NUMBER/ PHS CODE*USE CODE
2	900000
3	901979-902030
4	HALE*B-UNOS*- 902030
5	UNOS*- 904461
6	ZACA*HO- 901979-902032
7	HALE*B-UNOS*- 901979
8	HALE*B- 901979
9	HALE*B- 901979-902032
10	HALE*B-UNOS*- 902030
11	UNOS*- 902030
12	UNOS*- 902030

PHS POLYGON - SPECIES AND HABITAT LIST

PHS FORM#	PRIORITY	PHS CODE	COMMON NAME	USE CODE	USE DESCRIPTION
900,000					
901,979	YES	HALE	BALD EAGLE	B	BREEDING OCCURRENCE
902,030	YES	UNOS	URBAN NATURAL OPEN SPACE		
902,032	YES	UNOS	URBAN NATURAL OPEN SPACE		
904,461	YES	ZACA	CALIFORNIA SEA LION	HO	HAULOUT

Form number 900000 indicates presence of PHS is unknown or the area was not mapped. Form numbers 909998, 909997, or 909996 indicate compilation errors.

YES under the "PRIORITY" column indicates that the species or habitat is considered a priority and is on the Priority Habitats and Species List and/or the Species of Concern List.

WILDLIFE HERITAGE POINT - SPECIES LIST AND REPORT
IN THE VICINITY OF T25R03E SECTION 13

QUADPT	PRIORITY	SPPCODE	COMMON NAME	USE CODE	USE DESCRIPTION
4712263031	YES	HALE	BALD EAGLE	B	BREEDING OCCURRENCE
4712264009	YES	ARHE	GREAT BLUE HERON	B	BREEDING OCCURRENCE

YES under the "PRIORITY" column indicates that the species or habitat is considered a priority and is on the Priority Habitats and Species List and/or the Species of Concern List.

quadpt: 4712263031 sppcode: HALE use: B name: BALD EAGLE
year: 2001 class: SA accuracy: C state status: ST fed status: FT
township - range - section: T25N R04E S07 SEOFNW occur#: 1267 seqno: 1
general description:
BALD EAGLE NEST IN DOUG-FIR. CAN BE VIEWED FROM UPPER PARKING AREA SW OF NEST.
OLD TRAIL NEARLY UNDER NEST TREE. NEST NE OF SMALL PICNIC PAVILION #5.

quadpt: 4712264009 sppcode: ARHE use: B name: GREAT BLUE HERON
year: 2000 class: SA accuracy: C state status: SM fed status:
township - range - section: T25N R03E S10 SEOFSE occur#: 217 seqno: 1
general description:
GREAT BLUE HERON COLONY LOCATED ON S SIDE OF SALMON BAY IN W SEATTLE.
ACT-88; 9NEST-90; 6ACT NESTS-91; 9ACT NESTS-92; 93-11 ACT NESTS; 94-8 ACT NESTS.
PARK COLONY); 21 NESTS, 17 OCCUPIED-96 (PG 9600262); 7 ACTIVE 2000 GMF, PG 13;

Note:

If known occurrences of spotted owls and marbled murrelets exist they will be displayed on the accompanying map, however, detailed information for them are not included in this report.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE - PHS POLYGON REPORT
Report Date: 10/09/2002

form: 901,979 species/habitat: HALE species use: B season: SU accuracy: 1
sitename: DISCOVERY PARK BALD EAGLE TERRITORY
general description:
EAGLE TERRITORY IDENTIFIED IN 1988, ACTIVE AND PRODUCTIVE IN 1990.

source: GOLDSMITH, MARK WDFW
date: 08 01 code: PROF
synopsis:
NATURAL HERITAGE DATABASE.

source: NEGRI, STEVE WDFW
date: 062698 code: PROF
synopsis:
MAP EDIT: CHANGE EAGLE TERRITORY BOUNDARY AS A RESULT OF DISCOVERY OF ANOTHER
TERRITORY ON BROADMOOR GOLF COURSE (SOUTH UNION BAY).

source: STEVE, SWEENEY, PARAMETRIX
date: 03 90 code: PROF
synopsis:
CONSULTANT HIRED TO EVALUATE METRO PROJECTS ON EAGLES, REPORTS ON FILE.

form: 902,030 species/habitat: UNOS species use: season: accuracy: 1
sitename: SEATTLE CITY PARKS (VARIOUS).
general description:
SEATTLE CITY PARKS.

source: MULLER, TED; WDW; PERSONAL OBSERVATION.
date: 91 code: PROF
synopsis:
HAVE PERSONALLY VISITED MOST OF THE CITY PARKS OVER A 30 YEAR PERIOD.

form: 902,032 species/habitat: UNOS species use: season: accuracy: 1
sitename: MAGNOLIA HERON COLONY
general description:
URBAN OPEN SPACE AREA. STEEP RAVINE AND STEEP FORESTED HILLSIDE.

source: MULLER, TED; WDW; PERSONAL OBSERVATION.
date: 032891 code: PROF
synopsis:
VISIT SITE FREQUENTLY WHILE WALKING NEAR HOME.

source: PENLAND, STEVE; WDW; PERSONAL OBSERVATION.
date: 03 91 code: PROF
synopsis:
VISITED SITE TO DETERMINE DISTURBANCE OF CONSTRUCTION ACTIVITY.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE - PHS POLYGON REPORT
Report Date: 10/09/2002

form: 904,461 species/habitat: ZACA species use: H0 season: WS F accuracy: 1
sitename:
general description:
CALIFORNIA SEA LION

source: STEVE, JEFFRIES, WDW
date: 91 code: PROF
synopsis:
AERIAL SURVEYS

PRIORITY ANADROMOUS AND RESIDENT FISH PRESENCE REPORT FROM THE STREAMNET DATABASE
IN THE VICINITY OF T25R03E SECTION 13
Report Date: October 09, 2002

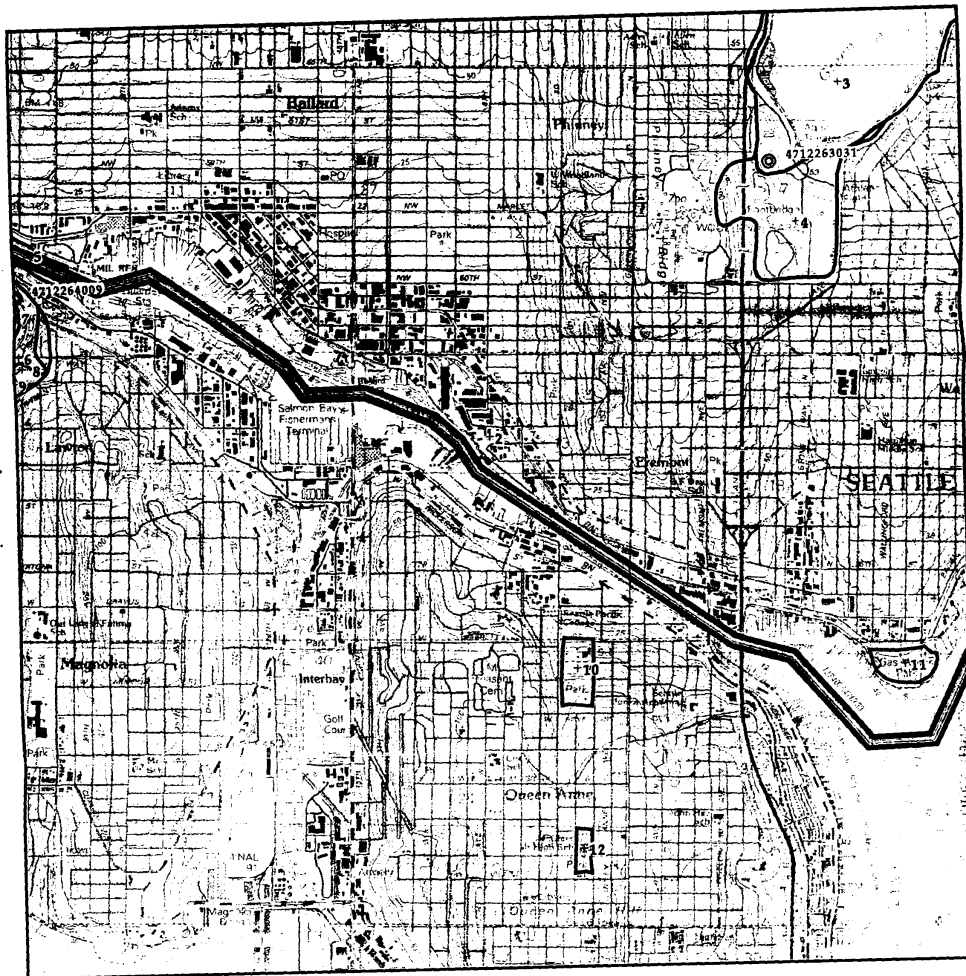
PRIORITY ANADROMOUS FISH PRESENCE

CODE	COMMON NAME	STREAM NAME	STREAM LLID	RECORD DATE	SOURCE
CHFA	Fall Chinook	Stream name(s) not in database	1224075476730	05-20-97	C. Smith, WDFW
COHO	Coho Salmon	Stream name(s) not in database	1224075476730	04-17-97	C. Boranski, WDFW
SOCK	Sockeye Salmon	Stream name(s) not in database	1224075476730	06-27-97	R. Egan, WDFW
STWI	Winter Steelhead	Stream name(s) not in database	1224075476730	07-10-97	S. Follie, WDFW

PRIORITY RESIDENT FISH PRESENCE

CODE	COMMON NAME	STREAM NAME	STREAM LLID	RECORD DATE	SOURCE
DBT	Dolly Varden/Bull Trout	Stream name(s) not in database	1224075476730	07-05-01	Jeff Chan, USFW

The fish information in this report only includes information that Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. This information only documents the location of important fish resources to the best of our knowledge. It is not a complete inventory of the fish species in the state. Fish are identified as priority by WDFW if they meet one of three criterion as listed in the Priority Habitats and Species List. The list is available by contacting WDFW Priority Habitats and Species section at (360)902-2543 or it is available on our web site at <http://www.wa.gov/wdfw/hab/phspage.htm>. To insure appropriate use of this information users are encouraged to consult with WDFW biologists.



WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

HABITATS AND SPECIES MAP

IN THE VICINITY OF T25R03E SECTION 13

Map Scale - 1:24000
 Coordinate System - State Plane South Zone 5626 (NAD27)
 Production Date - October 09, 2002
 Cartography by WDFW Habitat Program GIS

PLEASE NOTE

This map may contain some species not considered priority. If known occurrences of spotted owls and marbled murrelets exist they will be displayed on this map, however, detailed information for them are not included in accompanying reports.

DISCLAIMER

This map only includes information that Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources.

Locations of mapped wildlife and habitat features are generally within a quarter mile of the locations displayed on this map. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using maps more than six months old.

To insure appropriate use of this information, users are encouraged to consult with WDFW biologists.

MAIN DATA SOURCES

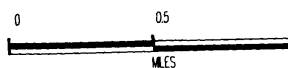
Priority Habitats and Species polygon and Habitat point data: WDFW Habitat Program.
 Wildlife Heritage, Spotted Owls, and Marbled Murrelet data: WDFW Wildlife Program.
 1:100,000 Streams and fish presence data: WDFW StreamNet Database.
 National Wetlands Inventory data: US Fish and Wildlife Service.
 Seabird Colony data: US National Oceanic and Atmospheric Administration.
 Keip Bed, Oak Stand, Eelgrass, Turf Algae and Township/Section data: W. Dept. of Natural Resources.
 Columbia River Tidal Marsh data: Oregon State Service Center for Geographic Information Systems (1988).
 7.5-minute quadrangle image from US Geological Survey.

MAP LEGEND

- Priority Habitats and Species (PHS) Polygon Borders
- Wildlife Heritage Points
- ⊕ Marbled Murrelet Points (Occupancy Sites Only)
- Habitat Points
- △ Seabird Colonies
- * Spotted Owl Site Centers (Official Status 1-4)
- ▨ Spotted Owl Management Circles Established Territory
- ▩ Spotted Owl Management Circles Insufficient Data To Establish Territory
- Township Lines
- Section Lines
- Rivers and Streams at 100,000 Scale Resolution
- Anadromous Fish Presence
- Resident Fish Presence
- Priority Anadromous/Resident Fish Presence
- National Wetlands Inventory



AREA LOCATION





State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Mailing Address: 600 Capitol Way N, Olympia, WA 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

Date: OCT 10 2002

Dear Habitats and Species Requester:

Enclosed are the habitats and species products you requested from the Washington Department of Fish and Wildlife (WDFW). This package may also contain documentation to help you understand and use these products.

These products only include information that WDFW maintains in a computer database. They are not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife, nor are they designed to provide you with guidance on interpreting this information and determining how to proceed in consideration of fish and wildlife. These products only document the location of important fish and wildlife resources to the best of our knowledge. It is important to note that habitats or species may occur on the ground in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site-specific surveys are frequently necessary to rule out the presence of priority habitats or species.

Your project may require further field inspection or you may need to contact our field biologists or others in WDFW to assist you in interpreting and applying this information. Generally, for assistance on a specific project, you should contact the WDFW Habitat Program Manager for your county and ask for the area habitat biologist for your project area. Refer to the enclosed directory for those contacts.

Please note that sections potentially impacted by spotted owl management concerns are displayed on the 1:24,000 scale standard map products. If specific details on spotted owl site centers are required they must be requested separately.

These products are designed for users external to the forest practice permit process and as such does not reflect all the information pertinent to forest practice review. The Forest Practice Rules adopted August 22, 1997 by the Forest Practice Board and administered by the Washington Department of Natural Resources require forest practice applications to be screened against marbled murrelet detection areas and detection sections. Marbled murrelet detection locations are included in the standard priority habitats and species products, but the detection areas and detection sections are not included. If your project is affected by Forest Practice Regulations, you should specially request murrelet detection areas.

WDFW updates this information as additional data become available. Because fish and wildlife species are mobile and because habitats and species information changes, project reviews for fish and wildlife should not rest solely on mapped information. Instead, they should also consider new information gathered from current field investigations. Remember, habitats and species information can only show that a species or habitat type is present, they cannot show that a species or habitat type is not present. These products should not be used for future projects. Please obtain updates rather than use outdated information.

August 2002

**WASHINGTON DEPARTMENT OF FISH AND WILDLIFE
REGIONAL HABITAT PROGRAM MANAGER CONTACTS**

For assistance with Priority Habitats and Species Information contact a regional habitat program manger and they will direct your questions to a biologist.

County project is in...

Contact...

Asotin, Columbia, Ferry, Garfield Lincoln,
Pend Oreille, Spokane, Stevens, Walla Walla,
Whitman

Kevin Robinette
8702 North Division Street
Spokane, WA 99218-1199
Phone: (509) 456-4082

Adams, Chelan, Douglas, Grant, Okanogan

Tracy Lloyd
1550 Alder Street NW
Ephrata, WA 98823-9699
Phone: (509) 754-4624

Benton, Franklin, Kittitas, Yakima

Ted Clausing
1701 24th Avenue
Yakima, WA 98902-5720
Phone: (509) 575-2740

Island, King, San Juan, Skagit, Snohomish,
Whatcom

Deborah Cornett
16018 Mill Creek Blvd.
Mill Creek, WA 98012-1296
Phone: (425) 775-1311

Clark, Cowlitz, Klickitat, Lewis, Skamania,
Wahkiakum

Steve Manlow
2108 Grand Blvd.
Vancouver, WA 98661
Phone: (360) 696-6211

Clallam, Grays Harbor, Jefferson, Kitsap, Mason,
Pacific, Pierce, Thurston

Steve Kalinowski
48 Devonshire Road
Montesano, WA 98563-9618
Phone: (360) 249-4628

H



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 534-9331

OCT 25 2002

Dear Species List Requester:

We (U.S. Fish and Wildlife Service) are providing the information you requested to assist your determination of possible impacts of a proposed project to species of Federal concern. Attachment A includes the listed threatened and endangered species, species proposed for listing, candidate species, and/or species of concern that may be within the area of your proposed project.

Any Federal agency, currently or in the future, that provides funding, permitting, licensing, or other authorization for this project must assure that its responsibilities under section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act), are met. Attachment B outlines the responsibilities of Federal agencies for consulting or conferencing with us.

If both listed and proposed species occur in the vicinity of a project that meets the requirements of a major Federal action (i.e., "major construction activity"), impacts to both listed and proposed species must be considered in a biological assessment (BA) (section 7(c); see Attachment B). Although the Federal agency is not required, under section 7(c), to address impacts to proposed species if listed species are not known to occur in the project area, it may be in the Federal agency's best interest to address impacts to proposed species. The listing process may be completed within a year, and information gathered on a proposed species could be used to address consultation needs should the species be listed. However, if the proposed action is likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat, a formal conference with us is required by the Act (section 7(a)(4)). The results of the BA will determine if conferencing is required.

The Federal agency is responsible for making a determination of the effects of the project on listed species and/or critical habitat. For a Federal agency determination that a listed species or critical habitat is likely to be affected (adversely or beneficially) by the project, you should request section 7 consultation through this office. For a "not likely to adversely affect" determination, you should request our concurrence through the informal consultation process.

Candidate species and species of concern are those species whose conservation status is of concern to us, but for which additional information is needed. Candidate species are included as an advance notice to Federal agencies of species that may be proposed and listed in the future. Conservation measures for candidate species and species of concern are voluntary but recommended. Protection provided to these species now may preclude possible listing in the future.

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, CRITICAL
HABITAT, CANDIDATE SPECIES, AND SPECIES OF CONCERN THAT MAY
OCCUR IN THE VICINITY OF THE PROPOSED
BURLINGTON NORTHERN AND SANTA FE COMPANY RAILWAY TRACKAGE
ABANDONMENT PROJECT
IN KING COUNTY, WASHINGTON**

(T25N R3E S13)

FWS REF: 1-3-03-SP-0060

LISTED

There is one bald eagle (*Haliaeetus leucocephalus*) nesting territory located in the vicinity of the project at T25N R4E S7. Nesting activities occur from January 1 through August 15.

Wintering bald eagles may occur in the vicinity of the project. Wintering activities occur from October 31 through March 31.

Bull trout (*Salvelinus confluentus*) occur in the vicinity of the project.

Major concerns that should be addressed in your biological assessment of the project impacts to listed species include:

1. Level of use of the project area by listed species;
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project; and
3. Impacts from project construction (i.e., habitat loss, increased noise levels, increased human activity) that may result in disturbance to listed species and/or their avoidance of the project area.

PROPOSED

None

ATTACHMENT B

FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) AND 7(c) OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED

SECTION 7(a) - Consultation/Conference

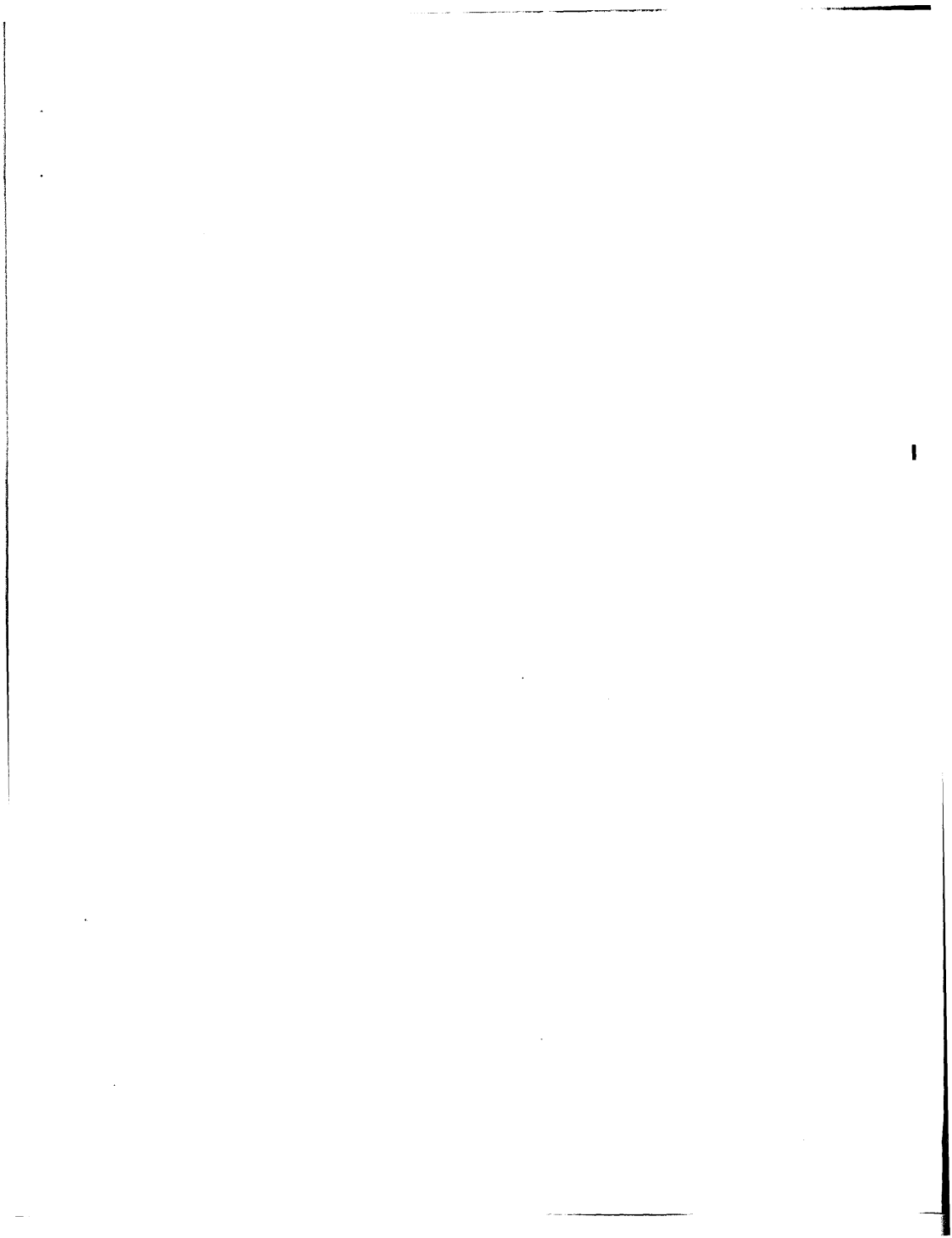
- Requires:
1. Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
 2. Consultation with the U.S. Fish and Wildlife Service (FWS) when a Federal action may affect a listed endangered or threatened species to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after it has determined if its action may affect (adversely or beneficially) a listed species; and
 3. Conference with the FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or an adverse modification of proposed critical habitat.

SECTION 7(c) - Biological Assessment for Construction Projects *

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify any proposed and/or listed species that is/are likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, please verify the accuracy of the list with the Service. No irreversible commitment of resources is to be made during the BA process which would result in violation of the requirements under Section 7(a) of the Act. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should (1) conduct an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within the FWS, National Marine Fisheries Service, state conservation department, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures; and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. Upon completion, the report should be forwarded to our Endangered Species Division, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503-1273.

* "Construction project" means any major Federal action which significantly affects the quality of the human environment (requiring an EIS), designed primarily to result in the building or erection of human-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal action such as permits, grants, licenses, or other forms of Federal authorization or approval which may result in construction.





STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION

7150 Cleanwater Lane • P.O. Box 42650 • Olympia, Washington 98504-2650 • (360) 902-8500

Internet Address: <http://www.parks.wa.gov>

TDD (Telecommunications Device for the Deaf): (360) 664-3133

October 8, 2002

Brian Nettles, Paralegal
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Re: BNSF Abandonment of Trackage in Seattle, WA

Dear Mr. Nettles:

We are in receipt of your letter dated September 30, 2002 regarding the above. The nearest Washington State Parks are Bridle Trails and Saint Edward (see enclosed map). As you can see, these parks are located several miles away and on the opposite side of Lake Washington. While you did not define the "project impact area" in your letter, these parks would appear to be outside of any such area.

As you might presume, this agency can only address your question about proximity to state parks. For information regarding wildlife sanctuaries or refuges, national parks or state forests, you will need to contact other state and federal agencies. In Washington, you should check with the Departments of Fish and Wildlife and Natural Resources. You can link to all Washington State agencies via <http://access.wa.gov/>.

If you have any questions or need additional information, please contact me at (360) 902-8650, fax at (360) 902-8840, or e-mail karl.jacobs@parks.wa.gov.

Sincerely,

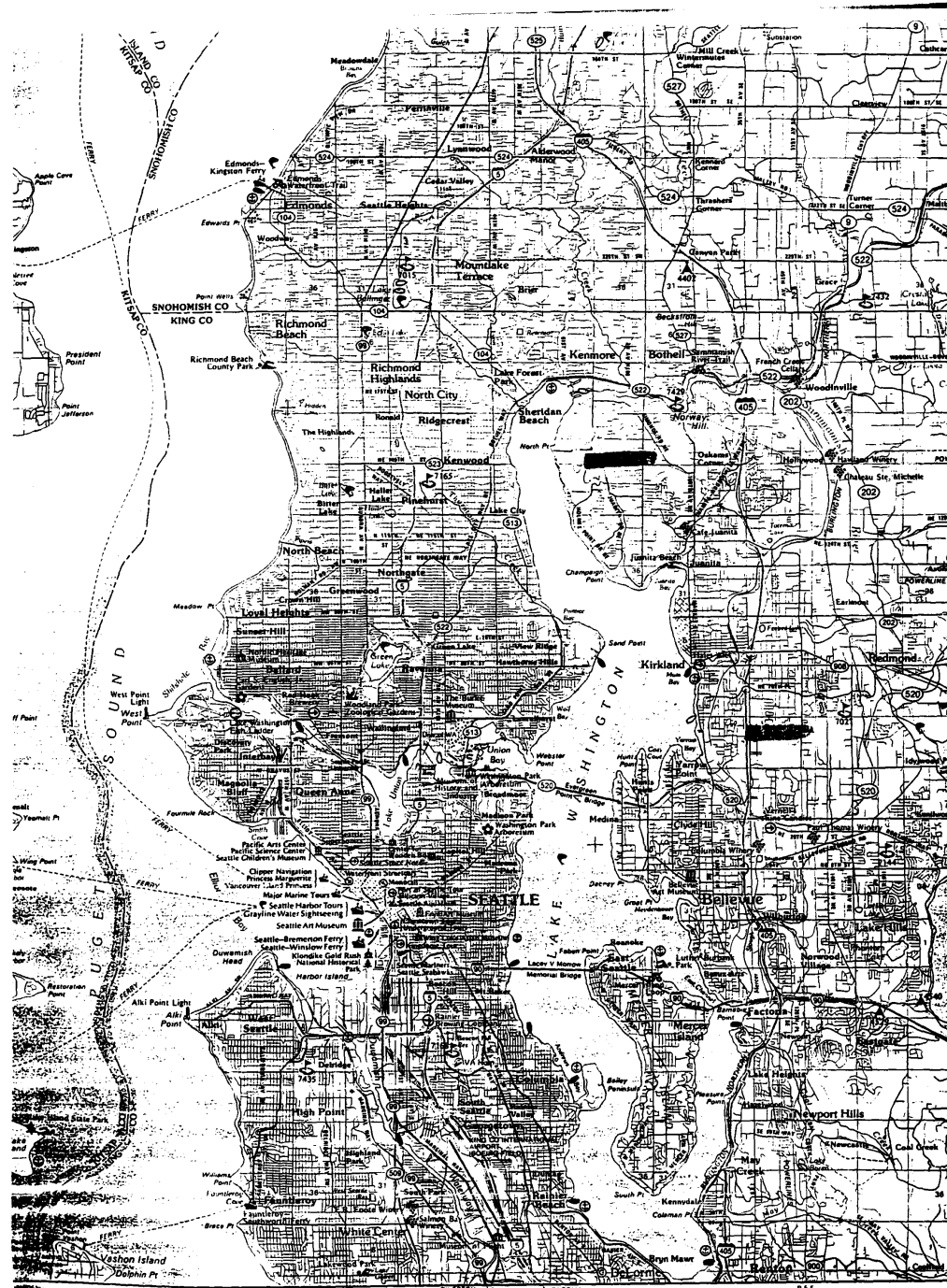
A handwritten signature in cursive script, appearing to read "Karl Jacobs".

Karl Jacobs, Real Estate Agent
Lands Program

cc: Javier Figueroa, Manager, Lands Program
File

M:\Staff\Karl\Active Projects & Documents\Brian Nettles re BNSF.doc





Scale 1:150,000

Contour interval 100 meters

Continue on Page 63

J

Freeborn & Peters

September 30, 2002

Linda Matlock
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Attorneys at Law
311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of the Seattle, Washington Trackage***

Dear Ms. Matlock:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its Seattle, Washington Trackage from Station 258 + 07 and Station 267 + 00 in the near future.

As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, BNSF needs to know whether or not a Section 402 or NPDES permit is required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information as soon as possible. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

K

Freeborn & Peters

September 30, 2002

Sean Callahan
Water Quality Program
Department of Ecology
Northwest Regional Office
3190 - 160th Ave. SE
Bellevue, WA 98008-5452

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettle@
freebornpeters.com

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of the Seattle, Washington Trackage***

Dear Mr. Callahan:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its Seattle, Washington Trackage from Station 258 + 07 and Station 267 + 00 in the near future.

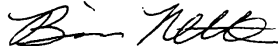
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The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information as soon as possible. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

L

Freeborn & Peters

September 30, 2002

Jack Gossett
U.S. Army Corps of Engineers
Seattle District
P.O. Box 3755
4735 East Marginal Way South
Seattle, Washington 98124-3755

Attorneys at Law
111 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
tel 312.360.6000

Brian Nettles
Sralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago
Springfield

**Re: The Burlington Northern and Santa Fe Railway Company Abandonment
of the Seattle, Washington Trackage**

Dear Mr. Gossett:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its Seattle, Washington Trackage between Station 258 + 07 and Station 267 + 00 in the near future.

As part of the environmental report BNSF needs to know whether or not Section 404 permits are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information as soon as possible. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

M



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Acting Director

October 11, 2002

Brian Nettles
Paralegal
Freeborn & Peters
Attorneys at Law
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Re: The BNSF Railway Co. Abandonment of Seattle, Washington and Floodplain

Mr. Nettles:

The Department of Design, Construction, and Land Use (DCLU) has reviewed your request and determined that the site identified in your letter dated September 30, 2002 is not located within the 100-year floodplain (see attached FEMA map).

Should you have any questions please give me a call at (206) 733-9817.

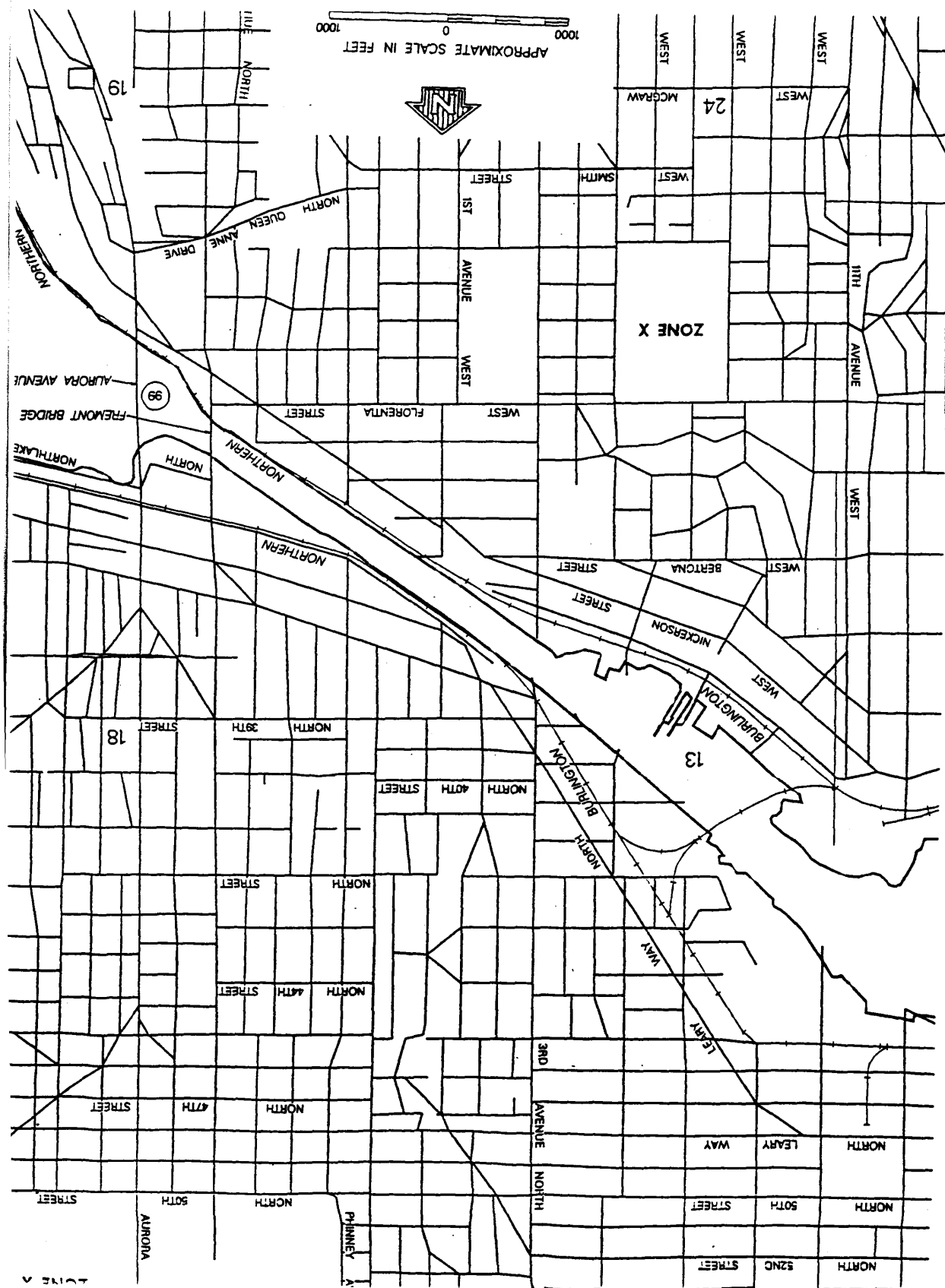
Sincerely,

A handwritten signature in black ink, appearing to read "R. Knable".

Robert Knable, Site Development Planner

cc: Diane Sugimura
Kaveh Aminian
Dave Cordaro

Enclosure



N



STATE OF WASHINGTON

OFFICE OF COMMUNITY DEVELOPMENT

Office of Archaeology and Historic Preservation

1063 S. Capitol Way, Suite 106 • PO Box 48343 • Olympia, Washington 98504-8343 • (360) 586-3065
Fax Number (360) 586-3067 • <http://www.oahp.wa.gov>

November 1, 2002

Mr. Brian Nettles
Attorneys at Law
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Re: BN & Santa Fe Abandonment
Log No.: 103102-15-STB

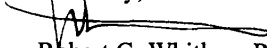
Dear Mr. Nettles:

We have reviewed the materials forwarded to our office for the proposed Burlington Northern and Santa Fe Railway Company Abandonment between Station 258+07 and Station 267+00 in Seattle, King County, Washington. Based upon this information we are of the opinion the proposed project will have no effect upon cultural properties included in the National and State Registers of Historic Places and the Washington State Archaeological and Historic Sites Inventories. Thus, no historic properties are affected.

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer in compliance with the Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations 36CFR800.4. Should additional information become available, our assessment may be revised, including information regarding historic properties that have not yet been identified.

We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4). In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity should be discontinued, the area secured, and the concerned tribes and this office notified. Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,


Robert G. Whitlam, Ph.D.
State Archaeologist
(360)586-3080
email: robw@cted.wa.gov